

Potential Changes to Government Code 65584 - RHNA	
GOVERNMENT CODE	HCD COMMENT
<p>65584</p> <p>(a)(1) For the <del>fourth</del>sixth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.</p> <p>(2) While it is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, it is recognized, however, that future housing production may not equal the regional housing need established for planning purposes.</p>	Technical change
<p>(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least <del>two years</del>30 months prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least <del>one year</del>12 months prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05 with the advice of the department.</p> <p>(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments,</p>	Technical consistency changes as statute mostly references months/days

<p>respectively, regarding the regional housing need may be extended by the department by not more than <del>60-day</del><a href="#">two months</a> if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding housing element revision deadline pursuant to Section 65588 by not more than <del>60-day</del><a href="#">two months</a>.</p>	
<p>(d) The regional housing needs allocation plan shall be consistent with all of the following objectives:</p> <p>(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.</p> <p>(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns.</p> <p>(3) Promoting an improved intraregional relationship between jobs and housing.</p> <p>(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent decennial United States census.</p> <p>(e) For purposes of this section, "household income levels" are as determined by the department as of the most recent decennial census pursuant to the following code sections:</p> <p>(1) Very low incomes as defined by Section 50105 of the Health and Safety Code.</p>	

<p>(2) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.</p> <p>(3) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.</p> <p>(4) Above moderate incomes are those exceeding the moderate-income level of Section 50093 of the Health and Safety Code.</p> <p>(f) Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).</p>	
<p><u>65584.01.</u></p> <p>(a) For the <del>fourth</del><u>sixth</u> and subsequent revision of the housing element pursuant to Section 65588, the department, in consultation with each council of governments, where applicable, shall determine the existing and projected need for housing for each region in the following manner:</p> <p>(b) The department's determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments. If the total regional population forecast for the planning period, developed by the council of governments and used for the preparation of the regional transportation plan, is within a range of 3 percent of the total regional <del>forecast</del><u>projection</u> for the planning period over the same time period by the Department of Finance, then the population forecast developed by the council of governments shall be the basis from which the department determines the existing and projected need for housing in the region. If the difference between the total population <del>growth</del><u>projected</u><del>forecasted</del> by the council of governments and the total population</p>	<p>Technical change</p> <p>Changes made to reflect consensus to specify a single threshold ("total population" instead of "population growth")</p>

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<p><u>growth</u> projected for the region by the Department of Finance is greater than 3 percent, then the department and the council of governments shall meet to discuss variances in <u>population and</u> methodology used for <u>the region</u> <del>population-projections</del> and seek agreement on a population <del>projection</del> for the region to be used as a basis for determining the existing and projected housing need for the region. If no agreement is reached, then the population projection for the region shall be the population projection for the region prepared by the Department of Finance as may be modified by the department as a result of discussions with the council of governments.</p>	
<p>(c)(1) At least 26 months prior to the scheduled revision pursuant to Section 65588 and prior to developing the existing and projected housing need for a region, the department shall meet and consult with the council of governments regarding the assumptions and methodology to be used by the department to determine the region's housing needs. The council of governments shall provide data assumptions from the council's <del>projectionsforecasts</del>, including, if available, the following data for the region:</p> <p>(A) Anticipated household growth associated with <del>projectedforecasted</del> population increases.</p> <p>(B) <u>The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures</u> <del>Household size data</del> and trends in household size.</p> <p><del>(C) The rate of household formation, or headship rates, based on age, gender, ethnicity, or other established demographic measures.</del></p> <p><del>(DC)</del> <u>The vacancy rates in existing housing stock, and the vacancy rates for healthy housing market functioning and regional mobility, as well as housing replacement needs.</u></p> <p><del>(ED)</del> Other characteristics of the composition of the <del>projectedforecasted</del> population.</p>	<p>technical change to distinguish difference between COG/MPO forecast (based on consideration of constraints—economic, fiscal, etc.) versus DOF projection (based on demographic data)</p> <p>changes proposed so small COGs(without a demographer on staff) will use household formation (data available from DOF and census) instead of unreliable household size that typically results in contentious differences between COG forecast and DOF/HCD projection.</p> <p>technical consistency change</p>

<p>(FE) The relationship between jobs and housing, including any imbalance between jobs and housing.</p> <p>(2) The department may accept or reject the information provided by the council of governments or modify its own assumptions or methodology based on this information. After consultation with the council of governments, the department shall make determinations in writing on the assumptions for each of the factors listed in subparagraphs (A) to (FE), inclusive, of paragraph (1) and the methodology it shall use and shall provide these determinations to the council of governments.</p>	
<p>(d)(1) After consultation with the council of governments, the department shall make a determination of the region's existing and projected housing need based upon the assumptions and methodology determined pursuant to subdivision (c). The region's existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region using the regional employment projections in the applicable regional transportation plan. Within 30 days following notice of the determination from the department, the council of governments may file an objection to the department's determination of the region's existing and projected housing need with the department.</p> <p>(2) The objection shall be based on and substantiate either of the following:</p> <p>(A) The department failed to base its determination on the population projection for the region established pursuant to subdivision (b), and shall identify the population projection which the council of governments believes should instead be used for the determination and explain the basis for its rationale.</p> <p>(B) The regional housing need determined by the department is not a reasonable application of the methodology and assumptions determined pursuant to subdivision (c). The objection shall include a proposed alternative determination of its regional housing need based upon the</p>	

<p>determinations made in subdivision (c), including analysis of why the proposed alternative would be a more reasonable application of the methodology and assumptions determined pursuant to subdivision (c).</p> <p>(3) If a council of governments files an objection pursuant to this subdivision and includes with the objection a proposed alternative determination of its regional housing need, it shall also include documentation of its basis for the alternative determination. Within 45 days of receiving an objection filed pursuant to this section, the department shall consider the objection and make a final written determination of the region's existing and projected housing need that includes an explanation of the information upon which the determination was made.</p>	
<p><u>65584.03.</u></p> <p>(a) At least 28 months prior to the scheduled housing element update required by Section 65588, at least two or more cities and a county, or counties, may form a subregional entity for the purpose of allocation of the subregion's existing and projected need for housing among its members in accordance with the allocation methodology established pursuant to Section 65584.04. The purpose of establishing a subregion shall be to recognize the community of interest and mutual challenges and opportunities for providing housing within a subregion. A subregion formed pursuant to this section may include a single county and each of the cities in that county or any other combination of geographically contiguous local governments and shall be approved by the adoption of a resolution by each of the local governments in the subregion as well as by the council of governments. All decisions of the subregion shall be approved by vote as provided for in rules adopted by the local governments comprising the subregion or shall be approved by vote of the county or counties, if any, and the majority of the cities with the majority of population within a county or counties.</p> <p>(b) Upon formation of the subregional entity, the entity shall notify the</p>	

<p>council of governments of this formation. If the council of governments has not received notification from an eligible subregional entity at least 28 months prior to the scheduled housing element update required by Section 65588, the council of governments shall implement the provisions of Sections 65584 and 65584.04. The delegate subregion and the council of governments shall enter into an agreement that sets forth the process, timing, and other terms and conditions of the delegation of responsibility by the council of governments to the subregion.</p>	
<p>(c) At least 25 months prior to the scheduled revision, the council of governments shall determine the <u>final</u> share of regional housing need assigned to each delegate subregion. <u>Until a subregion receives its final housing need, the subregion may use a placeholder regional and income category housing need to predetermine each local government's percentage or proportionate share of income category housing needs that can be applied to determine each jurisdiction's final shares of income category housing needs.</u> The <del>share or</del> shares allocated to the delegate subregion or subregions by a council of governments shall be in a proportion consistent with the distribution of households assumed for the comparable time period of the applicable regional transportation plan. Prior to allocating the regional housing needs to any delegate subregion or subregions, the council of governments shall hold at least one public hearing, and may consider requests for revision of the proposed allocation to a subregion. If a proposed revision is rejected, the council of governments shall respond with a written explanation of why the proposed revised share has not been accepted.</p>	<p>Proposes permissive change for COG/MPO to consider in developing draft RHNA plan methodology in place of requesting early HCD RHNA. Approach allows draft methodology (share of "placeholder" RHNA) to identify local gov't "placeholder" RHNA figure &amp; percentage that can easily/quickly be changed to reflect HCD final RHNA. Similar changes proposed to 65584.04</p>
<p>(d) Each delegate subregion shall fully allocate its <u>final</u> share of the <u>total</u> regional housing need <u>and income category housing need</u> to local governments within its subregion. If a delegate subregion fails to complete the regional housing need allocation process among its member jurisdictions in a manner consistent with this article and with the delegation agreement</p>	<p>technical consistency changes</p>

<p>between the subregion and the council of governments, the allocations to member jurisdictions shall be made by the council of governments.</p>	
<p><u>65584.04.</u></p> <p>(a) At least <del>two years</del><u>24 months</u> prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. <u>Prior to a council of governments receiving its final existing and projected regional housing need, a placeholder regional and income category housing need may be used to predetermine the distribution methodology and calculation of each local government's percentage or proportionate share of income category housing needs that can be applied to determine each jurisdiction's final shares of existing and projected income category share of regional housing need.</u> The methodology shall be consistent with the objectives listed in subdivision (d) of Section 65584 <u>and may be submitted to the department to comment within a 60-day period.</u></p>	<p>technical consistency change as statute mostly references months/days</p> <p>Proposes permissive change for COG/MPO to consider in developing draft RHNA plan methodology in place of requesting early HCD RHNA. Approach allows draft methodology (share of "placeholder" RHNA) to identify local gov't "placeholder" RHNA figure &amp; percentage that can easily/quickly be changed to reflect HCD final RHNA. Similar changes proposed to 65584.03</p>
<p>(b)(1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (d) that will allow the development of a methodology based upon the factors established in subdivision (d).</p> <p>(2) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.</p> <p>(3) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology</p>	



<p>developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.</p> <p>(4) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (d) prior to the public comment period provided for in subdivision (c).</p>	
<p>(c) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community. The proposed methodology, along with any relevant underlying data and assumptions, and an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, and how each of the factors listed in subdivision (d) is incorporated into the methodology, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written request for the proposed methodology. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.</p>	
<p>(d) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:</p> <p>(1) Each member jurisdiction's existing and projected jobs and housing relationship.</p> <p>(2) The opportunities and constraints to development of additional housing</p>	

<p>in each member jurisdiction, including all of the following:</p> <p>(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.</p> <p>(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.</p> <p>(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.</p> <p>(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area.</p> <p>(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.</p> <p>(4) The market demand for housing.</p>	
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<p>(5) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.</p> <p>(6) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.</p> <p>(7) High-housing cost burdens.</p> <p>(8) The housing needs of farmworkers.</p> <p>(9) The housing needs generated by the presence of a private <a href="#">college or university</a> or <del>a campus of the California State University or the University of California within any member jurisdiction</del> <a href="#">military, public college or university, or tribal entity exempt from Government Code, Article 10.6 requirements</a>.</p> <p>(10) Any other factors adopted by the council of governments.</p>	<p>Military/Student/Tribal issue (raised by SCAG and Santa Barbara) change proposed for further discussion and to indicate how statute could be revised should decision be reached for local gov'ts to be to accommodate "exempt entity" housing needs on sites controlled by local gov't</p>
<p>(e) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (d) was incorporated into the methodology and how the methodology is consistent with subdivision (d) of Section 65584. The methodology may include numerical weighting.</p> <p>(f) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.</p>	
<p>(g) In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to</p>	

accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05.	
<p>(h) Following the conclusion of the 60-day public comment period described in subdivision (c) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, each council of governments, or delegate subregion, as applicable, shall adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and to the department.</p> <p>(i)(1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the <a href="#">regional housing need</a> allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.</p> <p>(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.</p> <p>(3) The resolution approving the final <a href="#">regional</a> housing need allocation plan shall demonstrate that the plan is consistent with the <a href="#">general location of uses, residential densities, and building intensities within the</a> sustainable communities strategy in the regional transportation plan.</p>	<p>technical consistency change</p> <p>- technical consistency change - change to add clarity expressed in GC 65080(b)(2)(B) to provide some guidance in lieu of no definition how RHNA plan is required to “demonstrate that the plan is ‘consistent’ with the sustainable communities strategy”</p>
<p><a href="#">65588.</a></p> <p>(a) Each local government shall review its housing element as frequently as appropriate to evaluate all of the following:</p>	

<p>(1) The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal.</p> <p>(2) The effectiveness of the housing element in attainment of the community's housing goals and objectives.</p> <p>(3) The progress of the city, county, or city and county in implementation of the housing element.</p> <p>(b) The housing element shall be revised as appropriate, but no less often than required by subdivision (e), to reflect the results of this periodic review. Nothing in this section shall be construed to excuse the obligations of the local government to adopt a revised housing element in accordance with the schedule specified in this section.</p> <p>(c) The review and revision of housing elements required by this section shall take into account any low- or moderate-income housing provided or required pursuant to Section 65590.</p> <p>(d) The review pursuant to subdivision (c) shall include, but need not be limited to, the following:</p> <p>(1) The number of new housing units approved for construction within the coastal zone after January 1, 1982.</p> <p>(2) The number of housing units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, required to be provided in new housing developments either within the coastal zone or within three miles of the coastal zone pursuant to Section 65590.</p> <p>(3) The number of existing residential dwelling units occupied by persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, that have been authorized to be demolished or converted since January 1, 1982, in the coastal zone.</p> <p>(4) The number of residential dwelling units for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety</p>	
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<p>Code, that have been required for replacement or authorized to be converted or demolished as identified in paragraph (3). The location of the replacement units, either onsite, elsewhere within the locality's jurisdiction within the coastal zone, or within three miles of the coastal zone within the locality's jurisdiction, shall be designated in the review.</p>	
<p>(e) Each city, county, and city and county shall revise its housing element according to the following schedule:</p> <p>(1)(A) Local governments within the regional jurisdiction of the Southern California Association of Governments: June 30, 2006, for the fourth revision.</p> <p>(B) Local governments within the regional jurisdiction of the Association of Bay Area Governments: June 30, 2007, for the fourth revision.</p> <p>(C) Local governments within the regional jurisdiction of the Council of Fresno County Governments, the Kern County Council of Governments, and the Sacramento Area Council of Governments: June 30, 2002, for the third revision, and June 30, 2008, for the fourth revision.</p> <p>(D) Local governments within the regional jurisdiction of the Association of Monterey Bay Area Governments: December 31, 2002, for the third revision, and June 30, 2009, for the fourth revision.</p> <p>(E) Local governments within the regional jurisdiction of the San Diego Association of Governments: June 30, 2005, for the fourth revision.</p> <p>(F) All other local governments: December 31, 2003, for the third revision, and June 30, 2009, for the fourth revision.</p>	
<p>(2)(A) All local governments within a metropolitan planning organization in a region classified as nonattainment for one or more pollutants regulated by the federal Clean Air Act (42 U.S.C. Sec. 7506), except those within the regional jurisdiction of the San Diego Association of Governments, shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan to be adopted after</p>	

<p>September 30, 2010.</p> <p>(B)(i) All local governments within the regional jurisdiction of the San Diego Association of Governments shall adopt the fifth revision of the housing element no later than 18 months after adoption of the first regional transportation plan update to be adopted after September 30, 2010.</p> <p>(ii) Prior to or concurrent with the adoption of the fifth revision of the housing element, each local government within the regional jurisdiction of the San Diego Association of Governments shall identify adequate sites in its inventory pursuant to Section 65583.2 or rezone adequate sites to accommodate a prorated portion of its share of the regional housing need for the projection period representing the period from July 1, 2010, to the deadline for housing element adoption described in clause (i).</p> <p>(I) For the fifth revision, a local government within the jurisdiction of the San Diego Association of Governments that has not adopted a housing element for the fourth revision by January 1, 2009, shall revise its housing element not less than every four years, beginning on the date described in clause (i), in accordance with paragraph (4), unless the local government does both of the following:</p> <p>(ia) Adopts a housing element for the fourth revision no later than March 31, 2010, which is in substantial compliance with this article.</p> <p>(ib) Completes any rezoning contained in the housing element program for the fourth revision by June 30, 2010.</p> <p>(II) For the sixth and subsequent revisions, a local government within the jurisdiction of the San Diego Association of Governments shall be subject to the dates described in clause (i), in accordance with paragraph (4).</p>	
<p>(C) All local governments within the regional jurisdiction of a metropolitan planning organization or a regional transportation planning agency that has made an election pursuant to subparagraph (<del>L</del><a href="#">M</a>) of paragraph (2) of subdivision (b) of Section 65080 by June 1, 2009, shall adopt the fifth</p>	<p>erratum change from SB 575 (2009) amendment to SB 375 (2008) amendment</p>

<p>revision of the housing element no later than 18 months after adoption of the first regional transportation plan update following the election. (D) All other local governments shall adopt the fifth revision of the housing element five years after the date specified in paragraph (1).</p>	
<p>(3) Subsequent revisions of the housing element shall <u>be required after local governments receive the next regional housing need allocation and</u> be due as follows:</p> <p>(A) For local governments described in subparagraphs (A), (B), and (C) of paragraph (2), 18 months after adoption of <u>every second the applicable</u> regional transportation plan update, <del>provided that the deadline for adoption is no more than eight years later than the deadline for adoption of the previous eight-year housing element for the next housing element to be adopted no more than six months before or after the expiration date of the previous housing element. If the applicable regional transportation plan is not updated on a schedule for the housing element to be adopted no more than six months before or after the expiration date of the previous housing element, the department may determine the next housing element due date.</del></p> <p>(B) For all other local governments, at five-year intervals after the date specified in subparagraph (D) of paragraph (2).</p> <p>(C) If a metropolitan planning organization or a regional transportation planning agency subject to the five-year revision interval in subparagraph (B) makes an election pursuant to subparagraph (M) of paragraph (2) of subdivision (b) of Section 65080 after June 1, 2009, all local governments within the regional jurisdiction of that entity shall adopt the next housing element revision no later than 18 months after adoption of the first regional transportation plan update following the election. Subsequent revisions shall be due 18 months after adoption of <u>every second the applicable</u> regional transportation plan update, <del>provided that the deadline for adoption is no</del></p>	<ul style="list-style-type: none"> <li>- clarifies element revision not required until next RHNA and addresses:</li> <li>- local gov't concern that current element period could be significantly shortened and have to do earlier next element update (18 months from 2<sup>nd</sup> RTP adoption) if 2nd RTP is adopted earlier than 4-yr</li> <li>- flexibility needed with RTP adoption dates</li> <li>- advocate concern with element period continuity and gaps</li> <li>- HCD concern with flexible RTP adoption date changing element period to no longer coincide with RHNA period end date required to be determined 2 yrs before element due date based on <u>estimated</u> RTP adoption date</li> </ul> <p>changes repeat sec (A) changes</p>



<p><del>more than eight years later than the deadline for adoption of the previous eight-year housing element for the next housing element to be adopted no more than six months before or after the expiration date of the previous housing element. If the applicable regional transportation plan is not updated on a schedule for the housing element to be adopted no more than six months before or after the expiration date of the previous housing element, the department may determine the next housing element due date.</del></p>	
<p>(4)(A) A local government that does not adopt a housing element within 120 days of the applicable deadline described in subparagraph (A), (B), or (C) of paragraph (2) or subparagraph (A) or (C) of paragraph (3) shall <u>adopt its housing element within 12 months from the applicable deadline and adopt revise its revisions to the</u> housing element <del>not less than every</del><u>within 120 days of the applicable deadline occurring</u> four years <u>from the first statutory due date and subsequent due dates</u> until the local government has adopted at least two consecutive revisions by the statutory deadline.</p> <p>(B) If necessary, the local government shall adopt three consecutive four-year revisions by the statutory deadline <u>and adopt each revision not less than three years between adoption dates to provide adequate time to implement program actions and review and revise program actions for the next revision and to</u> ensure that when the local government adopts its next housing element covering an eight-year planning period, it does so at the deadline for adoption for other local governments within the region also covering an eight-year planning period.</p> <p>(C) The deadline for adoption of every second four-year revision shall be the same as the deadline for adoption <u>of the next housing element for the new planning period of for</u> other local governments within the region.</p>	<ul style="list-style-type: none"> <li>- resolves 5<sup>th</sup> cycle issue in which jurisdiction was to 1<sup>st</sup> adopt late element 6 mos before 1<sup>st</sup> 4-yr update, revise/adopt on 1<sup>st</sup> 4-yr date and meet 2<sup>nd</sup> consecutive 4-yr date to only do 1 update before new cycle</li> <li>- 12 months ensures element must be adopted and review of implementation</li> <li>- 120 days provides due date flexibility</li> <li>- to require element not adopted by due date must be adopted early enough in planning period for program implementation to occur to meet requirement to review/revise element for each 4-yr update</li> </ul>
<p>(5) The metropolitan planning organization or a regional transportation planning agency for a region that has an eight-year revision interval</p>	<ul style="list-style-type: none"> <li>- clarifies that 2<sup>nd</sup> 4-yr update is next cycle</li> </ul>

<p>pursuant to paragraph (3) shall notify the department and the Department of Transportation in writing of the estimated adoption date for its next regional transportation plan update at least 12 months prior to the estimated adoption date. The Department of Transportation shall maintain and publish on its Internet Web site a current schedule of the estimated regional transportation plan adoption dates. The department shall maintain and publish on its Internet Web site a current schedule of the estimated and actual housing element due dates. Each council of governments shall publish on its Internet Web site the estimated and actual housing element due dates, as published by the department, for the jurisdictions within its region and shall send notice of these dates to interested parties. For purposes of determining the existing and projected need for housing within a region pursuant to Sections 65584 to 65584.08, inclusive, the date of the next scheduled revision of the housing element shall be deemed to be the estimated adoption date of the regional transportation plan update described in the notice provided to the Department of Transportation plus 18 months.</p>	
<p>(6) The new projection period shall begin on the date of <del>December 31 or June 30</del> <u>January 1 or July 1</u> that most closely precedes the end of the previous projection period.</p>	<p>- change matches Dept of Finance dates (Jan 1 for housing estimates) (Jul 1 for population projections)</p>
<p><u>(7) To coordinate the update of the housing element with the update of the regional transportation plan, in the event the subsequent actual adoption date of the regional transportation plan differs from the estimated date provided to the department to determine the regional housing need allocation the department may:</u>  <u>(a) Modify the housing element planning period and due date to more closely conform to the applicable eight-year, five-year, or four-year due date specified in paragraph (3) and paragraph (4).</u>  <u>(b) Adjust the determination of regional housing need allocation</u></p>	<p>- changes proposed to remedy 5<sup>th</sup> cycle issues from RTP adoption on different date driving housing element (HE) period (18 months from RTP adoption) versus estimated date driving RHNA period: (1 yr before RTP adoption). <b>Example:</b>  RHNA (100,000) (120 mos <u>end Jul 2015</u>)  RTP adoption (3 months difference)  Proration: 2.5% = <u>+3 months</u>  120 months  RHNA change: 2,500 (.025x100,000)  +2,500: adopt 3 mo late: HE <u>end Oct</u></p>

<p><u>proportionate to the difference in months between the actual adoption date versus the estimated adoption date of the regional transportation plan. The proportionate adjustment shall reflect the ratio of the difference in number of months between actual versus estimated regional transportation plan adoption divided by the number of months comprising the projection period of the Department's original regional housing need determination.</u></p> <p><u>(c) notify the council of governments and/or jurisdictions of the proportionate change and adjustment in share of total housing need and income category need to be fully accommodated and addressed in the regional housing need allocation plan and housing element.</u></p>	<p>-2,500: adopt 3 mo early: HE <u>end Apr</u>  <i>method allows each jurisdiction income category share to be adjusted by 2.5% to not "alter" adopted RHNA plan method</i></p>
<p>(f) For purposes of this article, the following terms have the following meanings:</p> <p>(1) "Planning period" shall be the time period between the due date for one housing element and the due date for the next housing element.</p> <p>(2) "Projection period" shall be the time period for which the regional housing need is calculated.</p>	